

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

| | | |
|--------------------------------|---|--|
| In re: | : | |
| | : | Case No.: 18-16777 |
| Jackie M. Sampson | : | Chapter 13 |
| | : | Judge Magdeline D. Coleman |
| Debtor(s) | : | * * * * * |
| | : | * |
| | : | |
| MidFirst Bank | : | Date and Time of Hearing |
| | : | Place of Hearing |
| vs | : | December 8, 2020 at 10:30 a.m. |
| | : | |
| Jackie M. Sampson | : | U.S. Bankruptcy Court |
| | : | 900 Market Street, Courtroom #2 |
| WILLIAM C. MILLER, Esq. | : | Philadelphia, PA, 19107 |
| Respondents. | : | |

MOTION FOR RELIEF FROM THE AUTOMATIC STAY TO PERMIT MIDFIRST BANK TO FORECLOSE ON 4928 NORTH 19TH STREET, PHILADELPHIA, PA 19141

MidFirst Bank (the "Creditor") moves this Court, under Bankruptcy Code §§ 361, 362, 363, and other sections of Title 11 of the United States Code, and under Federal Rules of Bankruptcy Procedure 4001 and 6007 for an order conditioning, modifying, or dissolving the automatic stay imposed by Bankruptcy Code § 362 and avers as follows:

1. This is an action arising pursuant to a case under Title 11 of the United States Code.
2. Creditor is a lending institution duly authorized to conduct business in the Commonwealth of Pennsylvania.
3. Creditor is a party-in-interest in the above referenced Bankruptcy matter as it is a secured creditor of the Debtor.
4. Jackie M. Sampson ("Debtor") filed a voluntary petition for relief under Chapter 13 of the Bankruptcy Code on October 11, 2018 ("Petition").

5. Debtor is currently obligated to MidFirst Bank, under the terms of a certain Note, dated January 10, 2006, in the original principal amount of \$64,490.00 executed by Debtor (hereinafter "Note").

6. As security for repayment of the Note, Debtor executed a certain Mortgage, dated of even date and of even amount, currently in favor of MidFirst Bank, with respect to certain real property owned by the Debtor located at 4928 North 19th Street, Philadelphia, PA 19141 (hereinafter "Mortgaged Premises") and being recorded in Philadelphia County Recordings Office at Instrument Number 51374981 on February 8, 2006 in the Office of the Recorder of Deeds in and for Philadelphia County, Pennsylvania ("Mortgage").

7. The loan was modified per the terms of the Loan Modification Agreements attached here to as Exhibit "A", "B", and "C".

8. Debtor has failed to make post-petition mortgage payments for the past 2 months, as of October 28, 2020.

9. Due to said failure by Debtor to make payments when due, Creditor lacks adequate protection of its security interest in the Mortgaged Premises.

10. The total loan balance and the amount past due to MidFirst Bank in post-petition arrearages are \$84,324.60 and \$1,100.78, less a post-petition suspense balance of \$57.76, respectively, as of October 28, 2020.

11. The automatic stay of Section 362 of the Bankruptcy Code should be terminated with respect to the interest of MidFirst Bank in the Mortgaged Premises, pursuant to Section 362(d)(1).

WHEREFORE, MidFirst Bank respectfully requests this Honorable Court to enter an order terminating the Automatic Stay as it affects the interest of MidFirst Bank in the Mortgaged

Premises of the Debtor specifically identified in the Mortgage, and granting such other relief as this Honorable Court may deem just. Additionally, Creditor requests the Fed.R.Bankr.P.

4001(a)(3) be waived so that the Order Terminating the Automatic Stay have immediate effect.

Respectfully submitted,

/s/ Karina Velter

Karina Velter, Esquire (94781)

Adam B. Hall (323867)

Sarah E. Barngrover (323972)

Manley Deas Kochalski LLC

P.O. Box 165028

Columbus, OH 43216-5028

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Attorneys for Creditor

The case attorney for this file is Karina Velter.

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 : **Case No.: 18-16777**
Jackie M. Sampson : **Chapter 13**
 : **Judge Magdeline D. Coleman**
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vs :
Jackie M. Sampson : **U.S. Bankruptcy Court**
 : **900 Market Street, Courtroom #2**
 : **Philadelphia, PA, 19107**
WILLIAM C. MILLER, Esq. :
 : **Respondents.**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Motion for Relief from the Automatic Stay to permit MidFirst Bank to foreclose on 4928 North 19th Street, Philadelphia, PA 19141 was served on the parties listed below via e-mail notification:

Office of U.S. Trustee, Party of Interest, (Registered address)@usdoj.gov

WILLIAM C. MILLER, Esq., Chapter 13 Trustee, P.O. Box 1229, Philadelphia, PA 19105, ecfemails@ph13trustee.com

BRAD J. SADEK, Attorney for Jackie M. Sampson, Sadek and Cooper, 1315 Walnut Street, Suite 502, Philadelphia, PA 19107, brad@sadeklaw.com

The below listed parties were served via regular U.S. Mail, postage prepaid, on November 9, 2020:

Jackie M. Sampson, 4928 N. 19th Street, Philadelphia, PA 19141

Jackie M. Sampson, 4928 North 19th Street, Philadelphia, PA 19141

DATE: November 9, 2020

/s/ Karina Velter
Karina Velter, Esquire (94781)

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Attorneys for Creditor
The case attorney for this file is Karina
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